

UNITED STATES DISTRICT COURT
for the
DISTRICT OF MASSACHUSETTS

DEBORAH ANN LEONARDO, as
Proposed Administratrix of the Estate
of MICHAEL J. LEONARDO

V.

NANCY-CHRISTINE, INC., F/V NANCY
CHRISTINE, her commercial fishing licenses,
permits, limited entry rights, quotas, moratorium
permits/licenses and all other fishing rights, history,
privileges, or entitlements arising from, issued to,
attaching to, or appurtenant to said vessel, and the
proceeds of its hull insurance policy, *in rem*

Civil Action No. 04-12120-NMG

**AFFIDAVIT OF FAILURE TO PLEAD OR OTHERWISE DEFEND IN SUPPORT OF
APPLICATION FOR DEFAULT**

State of Massachusetts)
) ss.
County of Bristol)

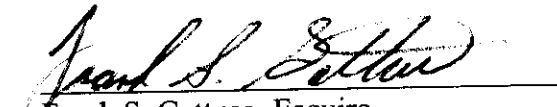
Frank S. Gattuso, Being duly sworn, deposes and says:

1. I am a duly authorized agent of the plaintiff, and one of her attorneys of record, and have personal knowledge of the facts set forth in this affidavit.
2. The plaintiff on October 6, 2004, filed in this cause a complaint against defendant Nancy-Christine Inc.
3. Examination of the Court files and record in this cause shows that defendant Nancy-Christine, Inc. was served with a copy of a summons, together with a copy of plaintiff's complaint, on October 26, 2004.
4. More than 20 days have elapsed since the date that the defendant was served with summons and a copy of the complaint.
5. Although the defendant has appeared and opposed plaintiff's motion for arrest of F/V Nancy-Christine, the defendant has failed to answer or otherwise defend as to the plaintiff's complaint, or serve a copy of any answer or other defense that they might have had,

upon Thomas J. Hunt & Associates, attorneys of record for plaintiff.

6. This affidavit is executed by affiant in accordance with Rule 55(a) of the Federal Rules of Civil Procedure, for the purpose of enabling the plaintiff to obtain an entry of default against the defendant, for its failure to answer or otherwise defend as to the plaintiff's complaint.

Subscribed on this 17th day of December, 2004, under the pains and penalties of perjury.


Frank S. Gattuso, Esquire
BBO No. 653132